

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AAA INSURANCE EXCHANGE,

Plaintiff,

vs.

BLACK & DECKER (U.S.) INC.,

Defendant.

Case No. 2:12-cv-01234-GMN-GWF

ORDER

This matter comes before the Court on Defendant's Emergency Motion for Protective Order (#23), filed on May 3, 2013. Defendant seeks to preclude the destructive testing of a Black & Decker toaster oven that allegedly caused the fire that is the basis for this litigation. Defendant argues the destructive test is an attempt by Plaintiff to generate another expert opinion after the expert reports deadline. Defendant also represents it will oppose Plaintiff's Motion to Extend Discovery (#21). The Court will therefore stay the destructive testing until the Court has ruled on the pending motions. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's destructive testing scheduled for May 16, 2013 is **stayed**.

IT IS FURTHER ORDERED that in the event the Court denies Plaintiff's Motion for an Extension (#21) and Defendant's Motion for Protective Order (#23), the Court will grant Plaintiff a reasonable time in which to conduct the subject destructive testing.

IT IS FURTHER ORDERED that any response to the Motion for Protective Order (#23) is due no later than **May 20, 2013**. Any reply shall be due no later than 10 days after receipt of any response.

1 **IT IS FURTHER ORDERED** that the Court shall conduct a hearing on the Motion for
2 Protective Order (#23) on **June 4, 2013 at 3:30** in Las Vegas Courtroom 3A.

3 DATED this 7th day of May, 2013.

4
5 
6 GEORGE FOLEY, JR.
7 United States Magistrate Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28